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April 19, 2000

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Magalie R. Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation by e.spire Communications, Inc
CC Docket No. 96-98**

Dear Ms. Salas:

Pursuant to Sections 1.1206(b)(1) and (2) of the Commission's Rules, e.spire Communications, Inc. ("e.spire") by its attorneys, submits this notice in the above-captioned docketed proceeding of an oral *ex parte* presentation made and written *ex parte* materials distributed on April 18, 2000 during a meeting with Jake Jennings of the Common Carrier Bureau, Policy Division. The presentation was made by James C. Falvey, Vice President, Legal and Regulatory of e.spire; J. Scott Nicholls, Director of Carrier Relations, e.spire; and Ross A. Buntrock of Kelley Drye & Warren LLP. Copies of the written materials distributed at the meeting are attached hereto.

During the presentation, e.spire discussed the negative implications for e.spire's product offerings of an EEL encumbered with excessive usage and auditing requirements. In addition, e.spire detailed the usage restrictions, auditing requirements, ordering requirements, and non-recurring charges that ILECs have sought to impose on the EEL.

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KELLEY DRYE & WARREN LLP

Magalie R. Salas
April 19, 2000
Page Two

Pursuant to Sections 1.1206(b)(1) and (2), an original and two copies of this *ex parte* notification (with attachments) are provided for inclusion in the public record of the above-referenced proceeding. Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ross A. Buntrock". The signature is fluid and cursive, with the first name "Ross" being more prominent.

Ross A. Buntrock

cc: Jake Jennings
International Transcription Services



e-spire Communications, Inc.

Access to the EEL

Jim Falvey, Sr. Vice President - Regulatory Affairs
David Kaufman, Director - Regulatory Affairs
Scott Nicholls, Director - Regulatory Affairs

April 13, 2000

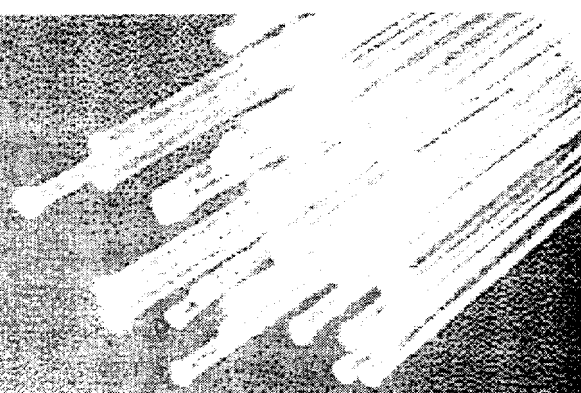


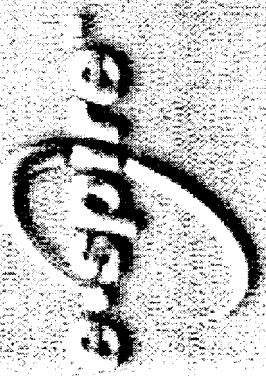
e.spire Core Business Units

- Voice Services
- Data/Internet
- Network Technologies



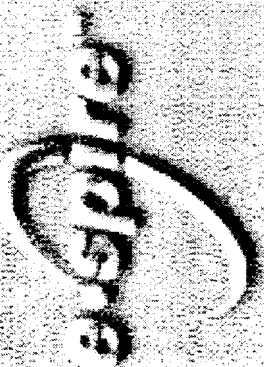
PLATINUM Internet





Product Overview

- Euspire's T1 service is a dedicated, symmetrical T1, providing 24x7x365 service, with a 99.999% uptime guarantee.
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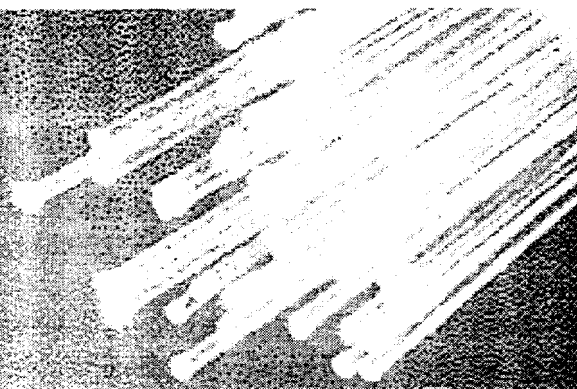
PLATINUM Internet

When you get a Platinum Internet connection, you get a mid-

level connection that's fast, reliable and secure.

Platinum Internet is a service that's designed to give you the best of both worlds. It's a service that's designed to give you the best of both worlds. It's a service that's designed to give you the best of both worlds.

Platinum Internet is a service that's designed to give you the best of both worlds. It's a service that's designed to give you the best of both worlds. It's a service that's designed to give you the best of both worlds.





- [illegible]



- Stand alone
- Stand alone computers
- No website
- No e-mail
- Stand alone service
- Voice/Internet traffic under one source
- Bundled saving
- Email for office staff



EEL Should be Available for Bundled Products

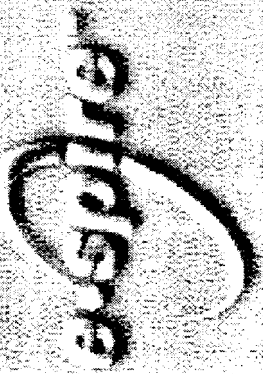
• **Product Bundles** - A bundle of products or services that are sold together.

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services





EEL Must Support Platinum to be Useful to e.spire

- LEC usage tests make it impossible for e.spire to utilize the EEL for e.spire Platinum
- Critical issue is requirement that e.spire have a percentage of local usage on each T-1
- e.spire can commit to channels carrying local traffic, but e.spire cannot predict the extent to which a given customer's T-1s will carry local traffic
- **Lower 10% or 5% local threshold could work for e.spire Platinum**



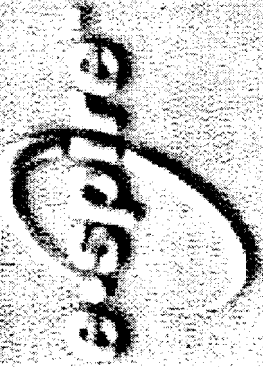
EEL Must be Unrestricted to be Useful to CLECs

- EEL encumbered with usage, auditing and other requirements not useful to expire
- LECs have unencumbered access to their own facilities for voice, data and other services with no burdensome requirements
- CLECs deserve same unimpeded access
- Restrictions ostensibly aimed at IXC access traffic go far beyond to limit other traffic



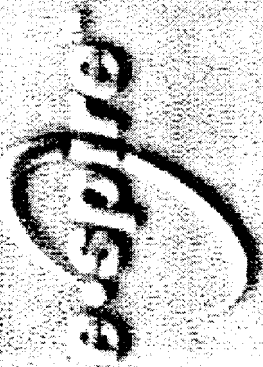
Local Measurement Issues

- Usage-based measurement difficult if not implemented at jurisdiction level
- Channel-based measurement easier to implement
- Goal: residents should not be placed on cost-based payment patterns



ILEC Audit Requirements Too Intrusive

- Audits impose undue burden on CLECs that are not even suspect of carrying IXC traffic
- expire willing to agree to ALTS audit requirements but no ILEC has agreed
- Audits provide opportunity for harassment
- Audits require CLECs to furnish expire and customer proprietary information

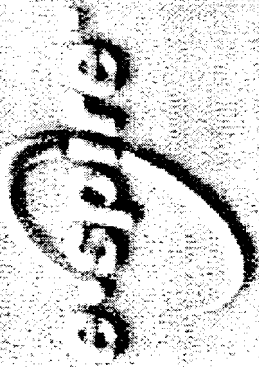


Voice v. Data Distinctions

- Most LEC proposals limit EEL usage to **voice** as opposed to data services
- Again, LECs not focused on IXC traffic but on impeding competitive entry in advanced services
- Data restrictions should not be permitted
- Where carriers agree to local use restrictions, data v. voice should be irrelevant

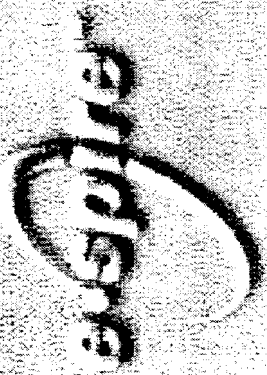
e.spire EEL Negotiations

- Ongoing negotiations with US West and SWEET
- Drafts received from Bell Atlantic and BellSouth
- Minimal contact with GTE and Sprint



Generic Issues Across All ILECs

- Usage restrictions proposed by the ILECs seriously restrict e-Spire's use of the EEL and go beyond the FCC's "significantly local" requirement
- Additional requirements required by ILECs are burdensome
- Ordering requirements demand unnecessary information and impose burden
- Duplicative NRCs imposed by some carriers



U S West Issues

- expirite has conducted numerous meetings with U S West
- U S West initially slow to negotiate; time-consuming negotiation process
- U S West renegeing on its own proposals
- Usage restrictions would require 50% local usage on a T-1
- U S West demanding audit requirement
- U S West requiring NRCs for conversions

aspire SWBT Issues

- Technically, does not require an amendment, but aspire must then accept SWBT's terms. Again, usage restrictions impede use of EEL for aspire products
- SWBT's ordering procedures have been the most burdensome, requiring confidential and unnecessary detail
- SWBT has shown progress on audit requirement
- Progress on minor issues, but no progress on key issues of concern to aspire

Progress with Other ILECs

- espire does not consider interconnection amendments to be necessary
- Bell Atlantic and BellSouth have required amendments
- Both companies likely to present the same usage and audit difficulties
- BellSouth ordering exemplary to date
- espire anticipating similar issues with GTE and Sprint

aspire Conclusions

- Heavily restricted EELs impede local competition
- Usage restrictions are burdensome, bureaucratic, and designed to make EELs unattractive
- Usage restrictions pry into CLEC business, and customer usage
- Audits are burdensome, invasive, and potentially discriminatory

Conclusions (cont.)

- LECs have floated several aspects of FCC's Supplemental Order (self-certification, cost-based conversion charges, usage restrictions, etc.)
- LECs require further action because negotiations have not been successful
- Lack of clarity has worked to the advantage of LECs today, and LECs that don't need the

